IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

OP.No. 28013 of 2002(I)

PETITIONER:

THOMAS FEN. P.D., PAZHAMADATHIL HOUSE,
KUMBALANGHI, COCHIN-7, PRESIDENT,
KANDAKKADAVU PADASEKHARAM, ANDIKKADAVU P.O.,
KANDAKKADAVU, KOCHI-8.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS:
----

1. THE REGIONAL EXECUTIVE, KERALA
FISHERMEN'S WELFARE FUND BOARD,
REGIONAL OFFICE, NO.88, SHANTHI, CANAL ROAD,
GIRI NAGAR, KOCHI-20.

2. DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, KOCHI.

3. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVT.,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.P.SANTHALINGAM FOR R1.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/01/2007, ALONG WITH MJC NO. 147 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No.28013/2002

APPENDIX

EXT.P1: COPY OF AGREEMENT DT.15.10.2000 EXECUTED BY THE PETITIONER AND THE CONTRACTOR FOR CONDUCTING FISHING OPERATIONS DURING 2000-2001.

EXT.P2: COPY OF NOTICE DT.20.11.2001 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P3: COPY OF OBJECTION PREFERRED BY THE PETITIONER ON 17.12.2001 BEFORE THE 1ST RESPONDENT.

EXT.P4: COPY OF NOTICE UNDER THE REVENUE RECOVERY ACT ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P5: COPY OF DEMAND NOTICE DATED 17.9.2002 UNDER THE REVENUE RECOVERY ACT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

C.N.RAMACHANDRAN NAIR, J.

O.P.No.28013 OF 2002

Dated this the 15th day of January, 2007

J U D G M E N T

The issue raised in this writ petition is covered in favour of the petitioner by the decision of the Supreme Court reported in **Koluthara Exports Ltd. v. State of Kerala** [2002(1) KLT 658 (SC)]. Accordingly, the writ petition is allowed.

(C.N.RAMACHANDRAN NAIR, JUDGE)

ps

C.N.RAMACHANDRAN NAIR, J.

O.P.No.28013 OF 2002

J U D G M E N T

15th January, 2007